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Report of the Secretary-General on children and armed conflict in the Sudan

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Council and its Working Group on Children and Armed Conflict as the second country report from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution. The report, which covers the period from May to July 2006, specifies incidents of grave child rights abuses, indicative of the nature and trend of systematic violations in the Sudan. The report focuses specifically on the killing and maiming of children, their recruitment and use as soldiers, grave sexual violence, abductions and denial of humanitarian access to children, and indicates that these violations continue in the Sudan largely unabated. The report explicitly identifies parties to the conflict who are committing grave abuses, including the Sudanese Armed Forces, the Sudan People's Liberation Army, the Popular Defence Forces, the Sudan Liberation Army, the White Army, the Janjaweed militia, the Lord's Resistance Army and Chadian opposition forces. The report stresses that individual commanders of the numerous armed forces and groups in the Sudan bear responsibility for the commission of grave violations by their forces, but that the Government of National Unity and the Government of Southern Sudan are also directly accountable for the commission of violations by individuals within their command structures. This government accountability is critical as groups are incorporated into the legally regulated armed forces under government control.

The report highlights action plans and other programme responses in place to address violations against children, and contains a series of recommendations with a view to securing strengthened action for the protection of war-affected children in the Sudan.

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I. Introduction

1. The present report, prepared in accordance with the provisions of Security Council resolution 1612 (2005), covers the period from 1 May to 15 July 2006. The incidents of violations cited for the reporting period serve to illustrate the nature and trend of continuing child rights violations in the Sudan. The report identifies parties to the conflict responsible for several categories of grave violations, including the killing and maiming of children, the recruitment and use of children in armed forces and groups, abductions, sexual violence, attacks on schools and hospitals and denial of humanitarian access to children. The report also highlights the plans of action and programme responses that have been undertaken to halt violations and strengthen child protection.

II. Political, military and social developments in the Sudan

Situations of armed conflict and peace processes

2. The Sudan is a vast country with many local histories of violence: in the south, in the transitional areas that straddle the border between north and south, in Darfur and the east. The country's conflicts are closely linked to acute imbalances in the distribution of wealth and services along regional, ethnic and class lines. Many years of war have served to exacerbate these imbalances and have resulted in significant militarization of the society.

3. Three different peace processes are under way in the Sudan, with two separate peacekeeping missions in place. The Comprehensive Peace Agreement of 9 January 2005 covers the southern Sudan, eastern Sudan and the transitional areas, and the United Nations Mission in the Sudan (UNMIS) is supporting its implementation. The Darfur Peace Agreement of 5 May 2006 covers the conflict in Darfur, and the African Union Mission in the Sudan (AMIS) is supporting its implementation. In eastern Sudan, the Government and the Eastern Front, a coalition of local rebel groups, signed a declaration of principles for the resolution of the eastern conflict on 19 June 2006 in Asmara. However, access to eastern Sudan remains problematic, which has translated into a critical lack of information on child rights violations in the east for this report.

4. There are two separate governments in place in the Sudan. The Comprehensive Peace Agreement established the Government of National Unity (referred to as the Government in this report), with enhanced representation for southern Sudan. It also established a separate Government of Southern Sudan with its own budget, constitution, laws, army and ministries. The Government of Southern Sudan will keep these powers until a referendum in 2011, in which the people of southern Sudan will decide whether to become an independent State or remain part of a unified Sudan. The Comprehensive Peace Agreement established a set of ceasefire monitoring institutions supported by UNMIS, and requires the Government's Sudanese Armed Forces to leave southern Sudan by 2007. Recruitment of children is a breach of the Comprehensive Peace Agreement.

5. The Darfur Peace Agreement established new security and ceasefire institutions supported by AMIS. However, it did not create significant new political institutions for Darfur, but permitted representation of Darfur rebel forces in the

Government pending elections. It established new initiatives to address problems related to access to land, compensation for victims of the conflict and a Darfur-Darfur dialogue conference. Recruiting and using children is a breach of the Darfur Peace Agreement, which also includes provisions for the protection of minors who come into contact with the law and the immediate release of all boys and girls under 18 years of age from armed forces and groups. Overall, the Darfur Peace Agreement has not led to an increase in security in Darfur as a significant number of rebel groups did not sign the Agreement.

Armed forces and groups operating in the Sudan

6. The considerable number of armed forces and groups in the Sudan makes it difficult to establish specific responsibility for grave violations of children's rights. The Sudan has three legally regulated armed forces: the Sudanese Armed Forces are the regular Government military and currently operate throughout the country; the Sudan People's Liberation Army (SPLA) is the regular military force of the Government of Southern Sudan; and, the Popular Defence Force is an armed force linked to the ruling party of northern Sudan and to armed groups raised from rural ethnic groups. A fourth group, the Joint Integrated Units, composed of units from SPLA and the Sudanese Armed Forces, was established by the Comprehensive Peace Agreement to form the nucleus of a unified army if the southern Sudan decides against independence in the referendum scheduled for 2011.

7. In addition to these legally regulated forces, there are numerous non-legal forces operating in the Sudan. During the civil war in southern Sudan and the transitional areas, the Sudanese Armed Forces used non-legal militias to control territory. The Comprehensive Peace Agreement refers to these non-legal militias as other armed groups. There were over 50 such groups brought together under the South Sudan Defence Forces (SSDF), an umbrella organization that was nominally led by Major General Paulino Matiep of the South Sudan Unity Movement (SSUM) but was effectively under the control of the military intelligence division of the Sudanese Armed Forces.

8. The Comprehensive Peace Agreement required the other armed groups to join either the Sudanese Armed Forces or SPLA by 9 January 2006. Most have done so, but the incorporation remains partial and inadequate. Some have not incorporated which has perpetuated instability in their areas of control. Decades of war in southern Sudan have distorted and militarized society. Thus, pastoralist communities have been obliged to maintain defence forces to protect livestock. For instance, the White Army, linked to the Lou clan of the pastoralist Nuer ethnic group, is made up largely of males aged 15 to 20 years, with some much younger. These forces were sometimes used by larger groups to carry out military tasks, and although they were not directly remunerated, they were permitted to loot. This has exacerbated the development of livelihood strategies based on looting in southern Sudan. In situations of limited economic opportunity such alternative forces have also served as a magnet for children who have been demobilized from larger forces but have failed to reintegrate into society.

9. The Lord's Resistance Army (LRA) has its origins in the conflict in northern Uganda, but operated in southern Sudan for many years, initially with the support of the Sudanese Armed Forces. The Uganda People's Defence Forces, the regular army

of Uganda, conducted operations inside the Sudan aimed at defeating LRA. The Government of Southern Sudan is currently sponsoring talks between LRA and the Government of Uganda in an effort to bring an end to this long-standing conflict.

10. The Darfur Peace Agreement classifies six different categories of armed forces or groups as parties to the Darfur conflict. The main groups are the Sudanese Armed Forces, and the two rebel movements that participated in the peace talks in May, namely, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). In addition, the Darfur Peace Agreement refers to militias aligned to the main parties ("other armed groups"), foreign (or Chadian) militias, the Popular Defence Force and the Janjaweed. Both the Janjaweed and the Popular Defence Force in Darfur are drawn from ethnic groups whose leaders are close to the Government, and paragraph 315 of the Darfur Peace Agreement explicitly links the Popular Defence Force and the Janjaweed. Elsewhere, the Agreement declares the Janjaweed a separate illegal group. This ambiguity makes it more difficult to hold groups accountable for violations. As in southern Sudan, distinctions between legal and non-legal militias are blurred, which also undermines the possibility of holding armed groups responsible for child rights violations.

11. Responsibility for the actions of the Janjaweed is particularly important to clarify for the purpose of this report. Janjaweed are irregular forces whose core constituency is often linked to landless camel-pastoralist ethnic groups. Because these ethnic groups are native Arabic-speaking, and some of their neighbours speak African languages in addition to Arabic, they are often called "Arabs". Throughout their existence they have been linked to the Government security apparatus and the loosely organized but legally regulated Popular Defence Force. The Government, by signing the Darfur Peace Agreement, has committed itself to neutralizing the Janjaweed. In June 2006, the Government presented AMIS with a plan to neutralize the Janjaweed, but the plan was not linked to time lines or outcomes agreed to in the Agreement. No steps to implement the plan have been taken thus far, apart from one demobilization ceremony in Kass, Southern Darfur on 23 June 2006, where 150 weapons were collected. The Janjaweed are widely perceived as the main security problem in Darfur.

Responsibility for recruitment and use of children

12. The numerous armed forces and groups that are parties to the conflict in the Sudan have a long history of using children for military purposes. My report on children and armed conflict of February 2005 (A/59/695-S/2005/72) listed five armed groups that recruit or use children: the Janjaweed, JEM, SSUM, SLA and SPLA. In 2005, both the Janjaweed (based in Darfur) and SSUM (based in Khartoum and southern Sudan) were aligned with the Government and effectively controlled by its security forces. SLA and JEM were engaged in armed rebellion against the Government, and SPLA had just signed a peace agreement with the Government. There is still credible evidence that all these groups continue to recruit or use children, in addition to other groups aligned with the Government and with rebels or peace partners that were not mentioned in my earlier report. However, it should be noted that some of them have since changed their relationship with the Government. SSUM joined SPLA on 9 January 2006; the SLA faction led by Minni Minawi (referred to in this report as SLA (Minawi)) has entered into a peace agreement with the Government; and, as I noted above, the Government has

committed itself to neutralizing the Janjaweed. The Government's seriousness in meeting this commitment needs to be scrutinized if it is to distance itself from responsibility for Janjaweed attacks. SSUM and many of the other armed groups in the Government-aligned SSDF recruited children through 2005. There are credible reports that SSUM and the other armed groups from SSDF which were incorporated in SPLA in January continued to recruit children after their incorporation, in contravention of SPLA rules. The Commander in Chief of SPLA and First Vice President of the Sudan, Salva Kiir, wrote to these other armed groups in April 2006 requiring them to stop child recruitment. Child recruitment remains a practice deeply rooted in southern Sudanese military culture.

13. When other armed groups recruit and use children, the responsibility for that practice rests with individual commanders of those groups. However, the Government and SPLA also bear a direct responsibility when individuals within their command structures recruit children. This responsibility of the Government must be stressed, particularly in the present context of shifting alliances and arrangements in the Sudan.

III. Grave violations of children's rights

Recruitment and use of children in armed forces and groups in southern Sudan and in Khartoum

The following groups are responsible for recruitment and use of children:

- *Sudanese Armed Forces*
- *Sudan People's Liberation Army (SPLA)*
- *White Army*

14. During the reporting period there was evidence to show that both the Sudanese Armed Forces and SPLA were responsible for recruiting and/or using children, and that children were used in the White Army ethnic militias.

15. There were confirmed reports of child recruitment between May and July 2006 in Khartoum, Jonglei and Bahr al-Ghazal. It is not clear whether this constitutes an increase or reduction in recruitment because trends are difficult to follow owing to access restrictions and other factors. It is clear that thousands of children are still associated with armed forces in southern Sudan, awaiting demobilization. Some of them were used in conflict between May and July 2006. Responsibility for the recruitment and use of these children lies with the Sudanese Armed Forces and SPLA.

16. Recruitment continues to be widespread because the war in southern Sudan created a plethora of Government-aligned militias or other armed groups. These militias were not parties to the Comprehensive Peace Agreement, but the Agreement required them to negotiate their incorporation into the Sudanese Armed Forces or SPLA. It has been reported that militias start recruitment drives before incorporation in order to bolster their numbers and strengthen their negotiating power, and that many children are caught up in the recruitment drives. Although all other armed groups were supposed to have incorporated by 9 January 2006, some major groups are still negotiating with both parties and have continued to recruit children. In

addition, several million people, most of them children, have been displaced from southern Sudan conflict zones to the north. These young Southerners want to return home and participate politically and economically, having long been excluded from such participation. Militia groups recruiting in Khartoum are seen as groups with effective power to return people to the south and to offer jobs in an environment of severely limited employment opportunities.

17. The following specific incidents were confirmed during the reporting period:

(a) In June, reports from Jonglei State in southern Sudan confirmed that SPLA, the White Army, a local "other armed group" and the Sudanese Armed Forces were recruiting and using children. Reports indicated that some recently demobilized children who had not been reunited with their families were among those recruited. On 22 June 2006, in Pulchoul, Jonglei, children aged 12 and over were given the option of joining SPLA or returning to civilian life;

(b) In Nasser, Upper Nile State, on 16 May 2006 there were confirmed reports that the Sudanese Armed Forces, SPLA and the new Joint Integrated Units were all involved in recruiting children. Recent serious incidents of fighting in Jonglei have seen the direct involvement of children, with reports of hundreds of White Army members killed, many of them children. Also in May 2006, child soldiers were seen in a newly incorporated unit of the Sudanese Armed Forces near Nasser, and there were reports of approximately 50 uniformed and armed SPLA soldiers aged 14 to 16 in the same area. One 14-year-old was a bodyguard to the SPLA commissioner;

(c) In May 2006, SPLA attacked the White Army and an armed group in Motot, Jonglei State, killing 113 White Army youth;

(d) At the beginning of May 2006, 14 young soldiers (believed to be under 18 years old) from the Sudanese Armed Forces unit of Lieutenant Colonel Thomas Thiel in Abyei were interviewed by United Nations staff, and in June child soldiers associated with the unit were identified in Abyei town;

(e) On 7 June 2006, there were confirmed reports that commanders from southern Sudan were actively recruiting children in Khartoum.

Recruitment and use of children in armed forces and groups in Darfur

The following groups are responsible for recruitment and use of children:

- *Sudan Liberation Army (SLA) (Minawi faction)*
- *Janjaweed militias*
- *Chadian opposition forces*
- *Camel police*

18. During the reporting period, evidence indicated that SLA (Minawi) and Chadian opposition forces were responsible for recruiting and/or using children, as were the Janjaweed militias, which may still be under the control of the Sudanese Armed Forces. Young persons under the age of 18 years were also recruited into the legally regulated camel police.

19. It is estimated that thousands of children are still associated with armed forces and groups in Darfur and were actively involved in conflict between May and July 2006. The security situation, access limitations, the delayed implementation of the peace agreement and the complexity of monitoring mechanisms in Darfur make it very difficult to monitor the recruitment and use of children. Therefore, while most of the following incidents are linked to SLA (Minawi), this may reflect the fact that this group controls large and relatively accessible territory:

(a) There were confirmed reports from Shangil Tobay, Northern Darfur, on 5 May 2006, that SLA (Minawi) had abducted and recruited children and young men;

(b) In May 2006, armed boys aged 15 to 17 were seen near the offices of SLA (Minawi) in Gereida, Southern Darfur. SLA (Minawi) denied that they were soldiers but local leaders contradicted this in interviews with United Nations staff. SLA (Minawi) commanders were observed forcibly recruiting boys in Gereida in May 2006, and many child soldiers were also seen in Gereida at the end of June 2006;

(c) G19, a breakaway faction of SLA (Minawi) that rejects the Darfur Peace Agreement, claimed in interviews at the beginning of June that SLA (Minawi) had abducted 108 children for use as soldiers on 10 May 2006, confirming community reports to this effect;

(d) On 29 June 2006, six armed boys aged 15 to 17 were observed in the forces of SLA (Minawi) at Tabet, Southern Darfur. An SLA official claimed that the children joined SLA voluntarily because they were separated from their families;

(e) On 15 May 2006, interviews by United Nations staff of people displaced after Janjaweed attacks on villages near Kutum, Northern Darfur, confirmed that there were many armed child soldiers among the Janjaweed militiamen who attacked them;

(f) A 17-year-old Tama boy was abducted by Chadian opposition forces from Geneina, Southern Darfur on 24 May 2006. This is indicative of the ongoing problem of abduction of youth from the Tama ethnic group for recruitment to the Chadian opposition;

(g) In June 2006, in Western Darfur there were reports of many boys less than 18 years old recruited into the camel police, a force used to mediate and control disputes between pastoralists and farmers;

(h) There are reports that students in Darfur towns are obliged to carry out military service in the Sudanese Armed Forces in order to sit for secondary school examinations. On 3 June 2006, some of these students were seen in Nyala, Southern Darfur, and there were reports in May of the deaths of two students during military training in Southern and Western Darfur.

Recruitment and use of children in armed forces and groups in eastern Sudan

20. Although there were confirmed reports that the Eastern Front recruited many children and youths in 2005, during the reporting period no cases of recruitment or

use of children were reported in eastern Sudan. This may be related to access restrictions.

Abductions in southern Sudan

21. There is a long history of unresolved abductions during the protracted conflict in southern Sudan. There are thousands of documented cases of women and children abducted for forced labour or forced sex by Popular Defence Force militias constituted from northern ethnic groups operating in southern Sudan. Abductions of women and girls for forced marriage are also reported among southern ethnic groups, and for LRA abduction is the main recruitment strategy for soldiers and sexual companions.

22. Although there were few reports of abductions during the reporting period, several cases are being monitored by United Nations police in southern Sudan on the basis of complaints made to police by girls.

23. Between May and July 2006, there were confirmed reports of abduction of children in Jonglei State. It has been difficult to ascertain the exact numbers or responsible parties owing to access restrictions.

Abductions in Darfur

The following groups are responsible for abduction of children:

- *Janjaweed militias*
- *Sudan Liberation Army (SLA) (Minawi faction)*
- *Sudanese Armed Forces*

24. During the reporting period evidence indicated that paramilitary units of the Sudanese Armed Forces and allied militias, as well as SLA (Minawi), abducted children. Janjaweed militias, which may still be under control of the Sudanese Armed Forces also carried out abductions.

25. Girls are frequently abducted for short periods for forced sex, and children are forced to carry goods and property that have been looted from villages during attacks. In these cases, the children are often released some distance from their villages and become lost or "separated" children when they return home to find that their families have fled. Many abductions are also linked to recruitment. Between May and July 2006, 18 cases of abduction were reported to the United Nations. The abductions specified below were carried out by different armed forces and groups, including Janjaweed militias:

(a) A baby was among 15 people confirmed as abducted when Janjaweed attacked Dito village in Southern Darfur on 1 May 2006;

(b) AMIS confirmed reports by the local community that two boys were abducted in an attack by Janjaweed militiamen on Abuderesa camp, Southern Darfur, on 21 June 2006;

(c) Sixteen armed men on camels believed to be Janjaweed militiamen abducted a woman and her 12-year-old son from Shag Al-Nil village, Northern Darfur, on 11 June 2006;

(d) A source linked to G19 claimed that SLA (Minawi) had abducted 108 children on 10 May 2006 for use as fighters, corroborating reports by local community;

(e) Six armed men in SAF uniform abducted a 13-year-old boy from Wadi Saleh, West Darfur, on 26 May 2006 while he was collecting wood with his father;

(f) On 13 June 2006, while collecting firewood, a teenage girl and three other women were abducted and beaten near Hara village by two men suspected to be members of pro-Government militias, approximately three kilometres from Kabkabiya, North Darfur;

(g) An unknown militia abducted a girl while she was collecting firewood near Kalma camp, South Darfur on 1 May 2006;

(h) In May 2006, seven children abducted by an unknown armed group from Shangil Tobay, North Darfur, were released after AMIS intervention;

(i) On 21 June 2006, two boys were abducted when an unknown militia attacked Abu Deresa IDP Camp to loot cattle;

(j) On 28 June 2006, two women together with a 13-year-old boy were abducted from Kundesha village, South Darfur by unknown militia.

Abductions in eastern Sudan

26. During the reporting period no abductions were reported in eastern Sudan. This may be related to access restrictions.

Killings of children in southern Sudan

The following groups are responsible for killing of children:

- *Sudan People's Liberation Army (SPLA)*
- *Sudanese Armed Forces*
- *White Army*

27. During the reporting period evidence indicated that the Sudanese Armed Forces, SPLA and the White Army were responsible for killing of children. Some of these children were killed while participating in hostilities.

28. During the reporting period, 38 children were killed. However, it has been difficult to determine the full extent of child deaths in clashes in Jonglei State because of access restrictions. It is confirmed that some children died while participating in hostilities against SPLA, while others were killed in local inter-ethnic conflicts. Specific incidents were confirmed as follows:

(a) Thirty-three children were killed in fighting in Ulang and Akobo (Jonglei State) between the White Army and SPLA between 24 April 2006 and 15 May 2006;

(b) A young girl was killed in retaliatory cattle raiding between the Dinka Aguok and Apuk clans in Gogrial county, Northern Bahr al Ghazal State, on 11 June 2006;

(c) A young Dinka boy was among three people killed in an attack on Gumbo village, Central Equatoria State, on 21 June 2006. The attackers were reported to belong to the Sudanese Armed Forces;

(d) Clashes between different Dinka clans linked to cattle looting in Koch county, Unity State, on 8 July 2006 resulted in the deaths of three children and six adults.

Killings of children in Darfur

The following groups are responsible for killing of children:

- *Sudan Liberation Army (SLA) (Minawi faction)*
- *Popular Defence Force*

29. Over 51 children were reported killed between May and July 2006. However, these reports did not cover all of the areas of fighting in Darfur. Many reports of civilian deaths are not age-disaggregated. For example, 46 civilians were killed when SLA (Minawi) attacked villages around Tawilla in Northern Darfur on 5 July 2006, with many of the casualties reported to have been children. Other specific incidents were reported as follows:

(a) SLA (Wahid) (a breakaway faction of SLA led by Abdul Wahid) reported that SLA (Minawi) forces killed several children on their way to school on 5 July 2006 at the village of Dalil, Northern Darfur; the report was later confirmed by child protection staff. Displaced people in El Fasher interviewed by the United Nations later reported that 16 children had been killed;

(b) Two Popular Defence Force soldiers killed a 14-year-old boy in Kass, Southern Darfur, on 9 May 2006. The soldiers were arrested by police and compensation has been paid to the boy's family;

(c) Two boys, aged 13 and 16, were killed when police opened fire on displaced persons demonstrating against the Darfur Peace Agreement in Abu Shouk camp, El Fasher;

(d) Two boys from an Arab ethnic group, aged 15 and 17, were killed in Sirba, Western Darfur, by unknown men on 7 June 2006. As a result, Janjaweed groups blocked the Sirba area to humanitarian workers on 8 June 2006;

(e) A local leader in Gereida reported that 150 children were missing after attacks on villages around Gereida in March 2006 by Government-allied militias. By the end of May 2006, 30 of the children had been found dead in different locations between Joughana and Gereida. In addition, five children displaced by that attack died of malnutrition in Gereida.

Killings of children in eastern Sudan

30. No killings of children were reported in eastern Sudan. This may be related to access restrictions.

Sexual violence in southern Sudan

31. No cases of sexual violence by members of armed groups were reported between May and July 2006. Several cases dating from April are being dealt with by the courts in southern Sudan, and are being monitored by UNMIS child protection advisers.

Sexual violence in Darfur

The following groups are responsible for sexual violence against children:

- *Sudanese Armed Forces*
- *Janjaweed militias*

32. Renewed conflict in Darfur may have drawn attention away from the continuing practice of ethnically targeted sexual violence against girls and women, particularly in areas of displaced populations. Grave sexual violence against girls and women in Darfur continues to worsen. During the reporting period, United Nations personnel were following up on a series of 20 cases in Gereida and near Kalma camp (Southern Darfur) of girls being attacked late at night and rendered unconscious through the use of neck piercing, strangulation and/or drugs before being raped. Many of these attacks are reportedly carried out by uniformed men.

33. Reports over the past year have shown that girls are over-represented in reports of sexual violence: a report from the Office of the United Nations High Commissioner for Human Rights last year indicated that 40 per cent of victims were under 18 years of age. There is evidence to suggest that sexual exploitation and abuse have increased in Darfur since the break-out of internal fighting.

34. There are several reasons for the particular vulnerability of girls to sexual violence, including the fact that the displaced and impoverished families of Darfur often rely heavily on child labour and income to survive. Thus, many girls are involved in water carrying or in firewood collection for domestic use or commercial charcoal production, and become easy targets when they leave densely populated camps. Girls have been targeted in inter-ethnic conflicts as a deliberate form of humiliation of a group, and as a means of ethnic cleansing. Rape has been used to force displacement. It is reported that wherever AMIS firewood patrols are established there is a noticeable impact on the safety and security of girls collecting wood or water.

35. Many women and girls who have been raped do not report such attacks for fear of stigmatization. The police continue to deny knowledge of any pattern of abuse and claim a lack of resources and capacity to deal with cases of sexual violence. However, it is more often than not a matter of lack of will to deal with such cases. Where cases have been successfully prosecuted, convicted rapists have received relatively light sentences. For example, a central reserve policeman found guilty of raping a 10-year-old girl in Western Darfur was sentenced to three years and 100 lashes. An important precedent was set during the reporting period with the acquittal of a 17-year-old girl who had killed a man who was attempting to rape her in March 2006. Although the Sudan's Criminal Act grants an unconditional right of self-defence in cases of rape, and although the girl had reported the rape to the police

before it was realized that her assailant had died, she was held in prison for three months until her acquittal on 3 June 2006.

36. Four cases of sexual violence by members of armed groups were confirmed between May and July 2006. The sexual attacks listed are indicative and were carried out by forces linked to the Government:

(a) On 24 May 2006, a group of about 25 armed men in SLA uniforms threatened, beat and robbed six separate groups of women and girls in Hajar Jalanga, Western Darfur. A 15-year-old girl was sexually assaulted;

(b) Women and girls displaced from villages near Kutum, Western Darfur, stated on 15 May 2006 that Janjaweed militias attempted to rape girls, and that the attackers targeted particularly girls under 18 years old. They cited the attempted rapes as the reason for their decision to leave the villages;

(c) On 25 June 2006, men from unknown militias near Tawilla, Northern Darfur, attacked the villages of Abu Senit and Jonjona. Two girls and a woman were raped;

(d) On 11 June 2006, two men used a knife to sexually assault a young girl in Western Darfur.

Sexual violence in eastern Sudan

37. No cases of sexual violence against children were reported from eastern Sudan. This may be related to access restrictions.

Attacks on schools and hospitals

The following group is responsible for attacking schools:

- *Lord's Resistance Army (LRA)*

38. One attack on an educational facility was reported in southern Sudan between May and July 2006: LRA attacked the Arapi Regional Teacher Training Institute near Juba, Central Equatoria State, on 23 May 2006.

Denial of humanitarian access in southern Sudan

39. Inter-ethnic conflict in parts of southern Sudan continued to hamper humanitarian access in some locations. However, there have been no reports of denial of humanitarian access by armed groups between May and July 2006.

Denial of humanitarian access in Darfur

The following parties are responsible for denial of humanitarian access:

- *Government of National Unity*
- *Sudanese Armed Forces*

40. Humanitarian access worsened between May and July 2006 with the upsurge in violence that followed the peace agreement. Specific incidents were reported as follows:

(a) The Government suspended all United Nations activities in Darfur from 25 to 27 June 2006, after UNMIS allowed a humanitarian official who is linked to SLA (Wahid) to travel on one of its aircraft. Exceptions were granted for the World Food Programme and the United Nations Children's Fund (UNICEF), but the activities of UNMIS, the Office for the Coordination of Humanitarian Affairs, the United Nations Population Fund and the Office of the United Nations High Commissioner for Refugees were affected;

(b) On 6 June 2006, SLA (Wahid) reported that the Sudanese Armed Forces checkpoint at Kass, Northern Darfur, had denied access to trucks carrying food into areas under their control; the report was confirmed by humanitarian personnel;

(c) Three cases were reported in Western and Southern Darfur in May of hijacking of humanitarian convoys to loot commodities by armed men believed to be affiliated to Government militias;

(d) People from ethnic groups or areas who believed that they were being overlooked in food distributions, obstructed food distribution to other areas. For instance, a group of unconfirmed identity stopped a food convoy in the Mershing area of South Darfur on 2 May 2006.

Denial of humanitarian access in eastern Sudan

The following party is responsible for denial of humanitarian access

- *Government of National Unity*

41. Government-imposed access restrictions on United Nations agencies in eastern Sudan in March 2006 continued through July 2006. The Government believes that there should be no role for UNMIS in eastern Sudan unless a United Nations role is agreed to by parties to a possible future peace agreement there. This disagreement has led to administrative restrictions for United Nations humanitarian agencies including expulsions of international staff and detention of national staff. Food assistance for about 110,000 refugees and internally displaced persons was suspended in March but resumed in June 2006; it was blocked again and resumed once more in July. UNHCR protection activities for the refugee population were suspended. In addition, the Government banned activity by the United Nations and international non-governmental organizations in the rebel enclave of Hamesh Koreib, affecting a population of about 70,000. The Government allows access to one local organization, and will permit a United Nations assessment of an outbreak of acute diarrhoea in the enclave. Over half the population of eastern Sudan is children. Acute malnutrition and mortality rates for children in eastern Sudan are significantly higher than those in Darfur.

IV. Dialogue and action plans to redress violations of children's rights

42. Serious violations of children's rights are seldom prosecuted in the Sudan, but new peace agreements create ceasefire institutions that have powers to make binding or partially binding recommendations on the parties to prosecute violators of children's rights. In southern Sudan, UNMIS child protection advisors have been using the Ceasefire Joint Military Committee and its seven subsidiary Area Joint

Military Committees to engage the Sudanese Armed Forces and SPLA in dialogue on abuses against children and problems in releasing children from military units, particularly those newly incorporated from other armed groups. Child protection advisers have presented evidence of child recruitment to the Committees and have developed and begun to implement child protection workplans for them, including dissemination of Security Council resolution 1612 (2005) and training on child protection for field commanders. This training is specifically aimed at field commanders who have recently incorporated from other armed groups, who are most likely to recruit children. In May and June 2006, an UNMIS child protection adviser acted as an observer on a joint military investigation of an attack on unarmed soldiers and their families. The investigation found a local Sudanese Armed Forces commander, Lieutenant Colonel Thomas Thiel, responsible. It also found both the Sudanese Armed Forces and SPLA responsible for recruitment of children and recommended prosecutions.

43. The Ceasefire Commission is a body within the AMIS peacekeeping operation that was instituted in 2004 with powers similar to those of the Ceasefire Joint Military Committee. It has not yet used those powers to address violations of children's rights. The Darfur Peace Agreement instituted a new set of localized ceasefire institutions called ceasefire subcommissions to be deployed in each AMIS sector. These local institutions, a vital mechanism for dialogue and action to address children's rights violations in a timely way, have not yet been established. However, it should be noted that local AMIS military commanders have acted decisively to resolve abductions of children during the reporting period.

44. Other forums and mechanisms for dialogue with armed groups have been established by United Nations staff. UNICEF has been discussing with the SLA Minawi and Wahid factions the need to end recruitment of children and to release children who are still in armed groups after the signing of the Darfur Peace Agreement. UNICEF discussed the possibility of helping SLA to release and reintegrate children, making it clear that it wants all boys and girls associated with SLA (Minawi) to return to their families. This includes not only children carrying guns, but also children associated with non-combatant roles. SLA (Minawi) committed itself to facilitating the work of UNICEF and providing full support for the release and reintegration of children associated with the armed groups. Follow-up has been complicated by recent internal fighting within the SLA (Minawi) faction. SLA (Wahid) has not signed the Darfur Peace Agreement, but UNICEF also approached them to discuss the release of children from their forces, and they have been equally willing to collaborate. In late July, UNICEF will train representatives from both SLA factions on child rights and start registering children for future reintegration programmes. UNMIS child protection advisers have urged field commanders from SLA (Minawi), SLA (Wahid) and local militias in Northern and Southern Darfur to end child recruitment.

45. The United Nations and AMIS have engaged in dialogue with the Government of the Sudan on the issue of sexual violence in Darfur. This engagement has involved police and legal institutions as well as local and national structures for the protection of civilians, including a committee of the Joint Implementation Mechanism set up to implement the 2004 agreement between the United Nations and the Government to end the crisis in Darfur. However, the problem of sexual violence is still far from resolution, and the Government needs to commit greater attention, resources and will to curb sexual violence.

46. It is important to note that the ability of the United Nations to initiate and engage in dialogue with armed groups on grave child rights violations is often hindered by access restrictions.

V. Follow-up and programmatic response to violations

47. The Sudan has ratified the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, but has not yet introduced legislation criminalizing the recruitment and use of child soldiers. UNICEF is working with various Government institutions to harmonize Sudanese legislation with the Convention and its Optional Protocols.

48. During the reporting period, UNICEF jointly with the Darfur State Governments and the National Council for Child Welfare organized a child protection workshop in Nyala. The workshop reviewed an independent situation analysis of child protection in Darfur, commissioned by UNICEF, which identified a number of risks and vulnerabilities that children face in Darfur such as recruitment by armed groups and forces, child labour, sexual and gender-based violence, abandonment of babies, separation from families and psychosocial distress as well as early marriage and female circumcision. The workshop led to an agreement to develop reintegration services for children involved in the military and street children including psycho-social support, vocational training and catch-up education, and an awareness campaign for protection of those children and others at risk of female circumcision, early marriage and sexual abuse and exploitation. It also agreed on proposals for legal reforms focusing on a number of areas including the age of the child, the age of criminal responsibility and the age of marriageability; support to the police for recording and maintaining data on crimes against children; and training of police officers and judges in child-friendly procedures for dealing with children in contact with the law.

49. The UNMIS child protection adviser has worked systematically to ensure that the mission mainstreams children's concerns across all components — civilian, military and police — particularly to support monitoring, reporting and response on grave child rights violations. For example, the UNMIS child protection section liaises closely with the United Nations police, who have over 700 personnel deployed in southern Sudan and the transitional areas. The United Nations police have now established a Gender and Child Protection Unit of over 30 officers who regularly monitor police stations and prisons and follow cases of serious crimes against children, including sexual violence, killings and abduction. They also develop training for police and legal officials on child protection.

Children's disarmament, demobilization and reintegration in Khartoum, the transitional areas and southern Sudan

50. The Comprehensive Peace Agreement obliged its signatories to demobilize all children in their ranks by July 2005. One year later, approximately 1,000 children have been released, all of them in southern Sudan and the transitional areas. One reason for the delay is the routine denial by the Sudanese Armed Forces of the presence of children in their units. However, the Sudanese Armed Forces have accepted evidence presented at the Ceasefire Joint Military Committee that there are

children in unincorporated other armed groups and in other armed groups newly incorporated into the Sudanese Armed Forces in southern Sudan. The Sudanese Armed Forces say that there are approximately 19,000 soldiers in these units, and it is estimated that a significant number of them are under 18 years old. Responsibility for demobilizing these children lies with the Northern Sudan Disarmament, Demobilization and Reintegration Commission, a civilian body established under the Comprehensive Peace Agreement. The Commission has just completed registration and provided reinsertion support to special needs groups of other armed groups aligned with the Sudanese Armed Forces. Similar programmes still have to be carried out in southern Sudan where disarmament, demobilization and reintegration is to be done by the Southern Sudan Disarmament, Demobilization and Reintegration Commission. Both the northern and the southern Commissions fall under the umbrella of the National Disarmament, Demobilization and Reintegration Coordination Council. The Council has taken important steps in policy development and planning, with the support and participation of UNMIS and UNICEF. It has organized capacity-building for local non-governmental organizations and at the end of May 2006 hosted a first coordination meeting among government and non-governmental counterparts.

51. SPLA has long acknowledged that it has child soldiers in its ranks and has made a high-level commitment to ending recruitment and use. Since 2001, it has carried out child demobilization activities with varying degrees of success. Since the signing of the Comprehensive Peace Agreement, responsibility for children's disarmament, demobilization and reintegration lies with the Southern Sudan Disarmament, Demobilization and Reintegration Commission. It released more than 960 children and returned them to their families. There are still challenges in ensuring that reintegration programmes are effective. Reintegration can fail if family tracing is inadequate or if schools are not accessible to children. Ensuring adequate resourcing for child disarmament, demobilization and reintegration programmes over time continues to be a challenge.

Children's disarmament, demobilization and reintegration in Darfur

52. The government of Northern Darfur State recently announced the release of prisoners of war, some of whom reportedly are children. UNICEF has been working with the Ministry of Social Welfare and the National Disarmament, Demobilization and Reintegration Coordination Council to ensure programming for their reintegration.

53. Funding is generally available for children's disarmament, demobilization and reintegration in the context of the Comprehensive Peace Agreement, but not for the children's disarmament, demobilization and reintegration required by the Darfur Peace Agreement. Once the outcomes of the Darfur child protection workshop have been turned into a plan of action, this will provide a fund-raising platform for a comprehensive protection programme for children affected by the conflict in Darfur.

VI. Recommendations

54. I call upon all parties to the conflict, without further delay, to comply with the resolutions of the Security Council on children and armed conflict by entering into dialogue with the United Nations for the preparation and implementation of concrete and time-bound action plans to halt the grave child rights violations for which they have been cited, including commitment to the release of children associated with their forces and prioritization of disarmament, demobilization and reintegration programmes for children.

55. I am deeply concerned over the continued lack of access in many areas of the Sudan for child protection activities, particularly in the east, and reiterate the call to all parties to ensure unhindered and safe humanitarian access to children, denial of which is considered a grave violation against children.

56. I strongly urge the leaders of the Government of National Unity and the Government of Southern Sudan to take steps to end child recruitment and use and to take immediate steps to implement effective, well-resourced and well-monitored programmes to release children from armed forces, safely return them to families and places of origin and provide the services needed to reintegrate them into ordinary life. The current peace processes in Darfur and southern Sudan offer a real opportunity for the leaders of the Sudan to end the practice of recruitment and use of children once and for all.

57. The Government of National Unity bears direct responsibility for child recruitment and use in the Sudanese Armed Forces and all aligned forces, and must act to end this practice immediately. I strongly urge the Government to take appropriate legislative steps to criminalize the recruitment and use of children, as required by the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which the Government ratified last year. I call upon the Government also to meet its commitment to investigate and prosecute any individuals for commission of grave violations against children, beginning with its commitment to prosecute Lieutenant Colonel Thomas Thiel for the attack on an unarmed convoy in March 2006, which led to the deaths of two children.

58. I strongly appeal to the Government to take all necessary measures to neutralize the Janjaweed as stipulated in the Darfur Peace Agreement, and stress that the Government's seriousness in meeting this particular commitment should be scrutinized if it is to distance itself from responsibility for violations committed by the Janjaweed.

59. The Government of Southern Sudan bears direct responsibility for the recruitment and use of children in SPLA and must act to halt recruitment and release all children from its forces without delay. I urge the Government of Southern Sudan also to rigorously investigate and prosecute those responsible for committing grave violations against children.

60. I call upon the relevant national disarmament, demobilization and reintegration authorities to undertake without delay an audit of children in the Government's forces in southern Sudan and in Darfur, to ensure that the many children in southern Sudan who have recently been incorporated into the Sudanese Armed Forces are not

released from the military without adequate support to return to their families and reintegrate into normal life.

61. I stress the need for SLA (Minawi) and SLA (Wahid) in Darfur to make good on their commitments in the Darfur Peace Agreement and in previous accords to end the recruitment and use of children, and I call upon other armed groups in Darfur to enter into or renew commitments in this regard. I stress the need for all the parties to work with disarmament, demobilization and reintegration authorities and the Task Force on Children and Armed Conflict to develop action plans to release children and return them safely to their communities.

62. All armed forces and armed groups, as well as other actors such as United Nations entities, the African Union and non-governmental organizations should take appropriate steps to address the special vulnerabilities and needs of girls associated with the armed forces and groups, particularly as regards their protection, release and reintegration into communities. In this regard, I call on the international community to provide adequate long-term resources for such interventions.

63. I am deeply concerned about the increase in sexual violence against girls and women, particularly in Darfur, and stress the urgent need for national authorities to rigorously investigate and prosecute responsible parties and to put in place measures for the protection of girls and women who are more vulnerable, especially among internally displaced populations.

64. I am also concerned over reports of systematic abduction and kidnapping of children, particularly in Darfur, and urge both the Government and the rebel movements in Darfur to act without delay to stop this practice. I call upon the Government to rigorously investigate and prosecute all those who commit this violation, which is also a crime under Sudanese law.

65. I affirm the special role and responsibility of peacekeepers in efforts to bring an end to the commission of grave violations against children in situations of armed conflict, and urge UNMIS and AMIS to play a proactive supporting role in the implementation of Security Council resolution 1612 (2005) and other Council resolutions on children and armed conflict, particularly as regards monitoring and reporting on grave violations and the provision of systematic training for peacekeeping personnel in child rights and protection. In this regard, I commend and welcome the strong support that AMIS has given to the implementation of resolution 1612 (2005), and I call upon the military observers and civilian police of AMIS to continue to work with the police and armed forces and groups to monitor and report on violations against children, including child recruitment, and to use the ceasefire institutions established by the Darfur Peace Agreement to bring an end to such violations.

66. My Special Representative for Children and Armed Conflict plans to conduct a mission to the Sudan in the near future. I encourage a delegation of the Security Council Working Group on Children in Armed Conflict also to undertake a mission to the Sudan as soon as possible.